

Notice of Allowability

Application No.

09/936,421

Examiner

JOHN PAK

Applicant(s)

PARSONS ET AL

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1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's reply of 9/6/2005.
2. ☒ The allowed claim(s) is/are 17, 11-13 and 15-16 [renumbered as 1-6].
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

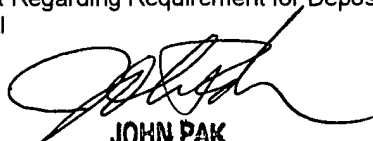
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JOHN PAK
PRIMARY EXAMINER
GROUP 1600

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kilcoyne on 11/22/2005

Cancel claims 10 and 14.

Claim 11, line 1: delete "10" and insert --- 17 --- .

Claim 12, line 1: delete "10" and insert --- 17 --- .

Claim 17. (Currently amended) An iodine preparation suitable for use on wounds comprising:

(A) a first part comprising an iodide source; and

(B) a second part comprising an oxidant and a buffer;

wherein (1) said first part and said second part are combined at the point of use, (2) when said first part and said second part are combined, the iodide source is present in an amount that is 0.2 to 2 wt% of the combined two parts, (3) when said first part and said second part are combined at the point of use, the buffer maintains the pH of the combined two parts at between 4.5 and 6, and (4) when said first part and said second part are combined at the point of use, iodine is

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generated at a rate of 5 to 1500 micrograms per one gram of the combined two parts per hour.

Claims 11-13 and 17, as presently amended, are directed to an allowable product. Pursuant to the procedures set forth in the *Official Gazette* notice dated March 26, 1996 (1184 O.G. 86), claim 16, directed to the process of making or using the patentable product, previously withdrawn from consideration as a result of a restriction requirement, is now subject to being rejoined. Claim 16 is hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Since all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement made in Paper No. 8 (11/4/2003) is hereby withdrawn.

The following is an Examiner's statement of Reasons for Allowance:

While the prior art is replete with various iodine generating preparations, it fails to adequately disclose or suggest a preparation comprising a first part and a second part, wherein the preparation has all of the features set forth in claim 17. Features (1), (2), (3) and (4) as set forth in claim 17 represent a preparation that would slowly and steadily generate iodine at a rate of 5-1500 μg per 1 gram of

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the combined two parts per hour, which rate is obtained from 0.2-2 wt% iodide source amount (after combining the two parts), maintenance of pH of the combined two parts at pH 4.5 to 6 by the buffer, and point of use combination of the two parts. As for the method claims, the use of the claimed preparation to treat wounds or sepsis in wounds is similarly not adequately disclosed or suggested. Applicant argues "Sepsis in wounds is local infection" (9/8/2005 reply), and such explanation (in arguing the restriction requirement) is consistent with literature use of the term wound sepsis or burn wound sepsis in this field. For these reasons, the claimed invention as a whole is deemed to be allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

A facsimile center has been established in Technology Center 1600. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machines is (571)273-8300.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner John Pak whose telephone number is (571)272-0620. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Mr. Gary Kunz, can be reached on (571)272-0887.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(571) 272-1600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have a question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOHN PAK
PRIMARY EXAMINER
GROUP 1600